

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
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FINAL JUDGMENT

August 10, 2016

Before: RICHARD A. POSNER, Circuit Judge
DIANE S. SYKES, Circuit Judge
STACI M. YANDLE, District Court Judge*

CERTIFIED COPY

A True Copy

Teste:


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of the United States
Court of Appeals for the
Seventh Circuit

No. 15-3799	IN RE: WALGREEN CO. STOCKHOLDER LITIGATION (<i>HAYS, et al. v. WALGREEN CO., et al.</i>) APPEAL OF: JOHN BERLAU, Objector
Originating Case Information:	
District Court No: 1:14-cv-09786 Northern District of Illinois, Eastern Division District Judge Joan B. Gottschall	

Because the settlement can't be approved, we reverse the district court's judgment. And since class counsel has failed to represent the class fairly and adequately, as required by Federal Rule of Civil Procedure 23(g)(1)(B) and (g)(4), the district court on remand should give serious consideration to either appointing new class counsel, cf. Fed. R. Civ. P. 23(g)(1), or dismissing the suit. Cf. *Robert F. Booth Trust v. Crowley, supra*, 687 F.3d at 319. REVERSED, with costs, and REMANDED, with directions. The above is in accordance with the decision of this court entered on this date.

*Of the Southern District of Illinois, sitting by designation. Judge Yandle dissents from the panel's decision. Her dissent will be issued separately in due course.